



1645

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 02-1181-A)

In the Application of:

Baird, et al.

Serial No.: 10/727,680

Filed: December 4, 2003

For: Self-Referencing Biodetection Method  
And Patterned Bioassays

Art Unit: 1645

Confirmation No. 8461

Examiner: TBD

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

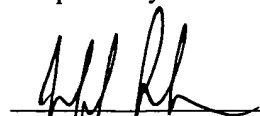
In regard to the above identified application:

1. We are transmitting herewith the attached:
  - a. Information Disclosure Statement (IDS) (7 sheets);
  - b. Form PTO-1449 (7 sheets);
  - c. 127 Cited References; and
  - d. Return Receipt Postcard.
2. With respect to fees:
  - a. X No fee is required
3. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490.
4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 6, 2004.

Respectfully submitted,

Date: April 6, 2004

By:

  
Jeffrey D. Anderson  
Reg. No. 51,403

McDonnell, Boehnen Hulbert & Berghoff  
300 South Wacker Drive  
Chicago, IL 60606



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**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97 - 1.99, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. Section 1.56. Copies of the references cited below are enclosed. These references are also listed on the enclosed PTO Form 1449.

In the judgment of the undersigned, portions of the listed references may be material to the Examiner's consideration of the presently pending claims. However, the references have not been reviewed in sufficient detail to make any other representation and, in particular, no representation is intended as to the relative relevance between references, whether cited in this or prior statements. This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. Section 102 or Section 103.

### **United Patents Application Publications**

1. Cunningham, et al., U.S. Provisional Patent Application, "Resonant Reflection Microarray", Serial No. 60/244,312 filed October 30, 2000.
2. Cunningham, et al., U.S. Provisional Patent Application, "Resonant Reflection Microarray", Serial No. 60/283,314 filed April 12, 2001.
3. Cunningham, et al., U.S. Provisional Patent Application, "Resonant Reflection Microarray", Serial No. 60/303,028 filed July 3, 2001.
4. Baird, et al., U.S. Provisional Patent Application, " Self-Referencing Biodetection Method And Patterned Bioassays", Serial No. 60/430,911 filed December 4, 2002.
5. Challener et al., U.S. Patent Publication No. US 2002/0018610-A1, published February 14, 2002.
6. Cunningham, et al., U.S. Patent Publication US 2003/0027327-A1, published February 6, 2003.
7. Cunningham, et al., U.S. Patent Publication No. US 2003/0027328-A1, published February 6, 2003.
8. Cunningham, et al., U.S. Patent Publication No. US 2002/0127565-A1, published September 12, 2002.

### **United States Patents**

9. Challener, U.S. Reissued Patent No. RE37,473 E, reissued 12/18/01.
10. Firester, U.S. Patent No. 4,009,933, issued 03/01/77.
11. Sheng, et al., U.S. Patent No. 4,536,608, issued 08/20/85.
12. Martens, U.S Patent No. 4,576,850, issued 03/18/86.
13. Barber, U.S Patent No. 4,668,558, issued 05/26/87.
14. Stewart, U.S. Patent No. 4,857,273, issued 8/15/89
15. Gustafson, et al., U.S Patent No. 4,876,208, issued 10/24/89.
16. Layton, et al., U.S Patent No. 4,931,384, issued 6/5/90.
17. Wells et al., U.S. Patent No. 4,958,895, issued 9/258/90.
18. Godfrey, U.S Patent No. 4,992,385, issued 2/12/91.
19. Cowan, U.S Patent No. 4,999,234, issued 03/12/91.
20. Layton, et al., U.S Patent No. 5,118,608, issued 6/2/92.

21. Zdrahala, U.S. Patent No. 5,156,785, issued 10/20/92.
22. Ackley et al., U.S. Patent No. 5,170,448, issued 12/8/92.
23. Lu, et al., U.S. Patent No. 5,175,030, issued 12/29/92.
24. Cush et al., U.S. Patent No. 5,210,404, issued 5/11/93.
25. Andersson, et al., U.S. Patent No. 5,229,614, issued 07/20/93.
26. Bergström et al., U.S. Patent No. 5,242,828, issued 9/7/93.
27. Wenz, et al., U.S. Patent No. 5,268,782, issued 12/07/93.
28. Rosenblatt, U.S. Patent No. 5,337,183, issued 8/9/94.
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35. Malmqvist et al., U.S. Patent No. 5,492,840, issued 02/20/96.
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37. Elliott, et al., U.S. Patent No. 5,559,338, issued 09/24/96.
38. Sambles, et al., U.S. Patent No. 5,598,267, issued 01/28/97.
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40. Saaski et al., U.S. Patent No. 5,606,170, issued 2/25/97.
41. Doggett, U.S. Patent No. 5,615,052, issued 03/25/97.
42. Pinkel, et al., U.S. Patent No. 5,690,894, issued 11/25/97.
43. Benson, Jr. et al., U.S. Patent No. 5,691,846, issued 11/25/97.
44. Bylander, et al., U.S. Patent No. 5,732,173, issued 03/24/98.
45. Rudigier, et al., U.S. Patent No. 5,738,825, issued 04/14/98.

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58. Grann, et al., U.S Patent No. 6,035,089, issued 03/7/00.
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89. Brecht, et al., *Biosensors & Bioelectronics* Vol. 10, pp. 923-936 (1995).
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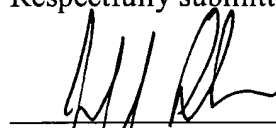
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123. Invitation to Pay Additional Fees in foreign counterpart application PCT/US01/50723.
124. Cunningham, *Bioanalytical Sensors*, pp. 303 -318 John Wiley & Sons (1998).
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127. Lenau, Torben, *Material Silicon Nitride*, Vol. 97, p. 98 (1996).

In accordance with MPEP Sections 609 and 707.05(b), it is requested the document cited (including any cited in applicant's specification which is not repeated on the attached Form PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

Respectfully submitted,

Date: April 6, 2004

By:



Jeffrey D. Anderson  
Reg. No. 51,403

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300 South Wacker Drive  
Chicago, IL 60606  
312 913-0001



FORM PTO-1449  
(Rev. 2-32)

U.S. Department of Commerce  
Patent and Trademark Office

Atty. Docket No.

02-1181-A

Serial No.

10/727,680

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
(Use several sheets if necessary)

**Applicant:**

Baird, et al.

**Filing Date:**

December 4, 2003

**Group:**

1645

**U.S. PATENT APPLICATION DOCUMENTS**

Examiner Initial		Document Number	Filing Date	Name	Class	Subclass	Publication Date if Appropriate
	1.	60/244,312	Oct 30, 2000	Cunningham, et al.			
	2.	60/283,314	April 12, 2001	Cunningham, et al.			
	3.	60/303,028	July 3, 2001	Cunningham, et al.			
	4.	60/430,911	Dec 4, 2002	Baird, et al.			
	5.	US 2002/0018610-A1	Feb 14, 2002	Challener et al.			
	6.	US 2003/0027327-A1	Feb 6, 2003	Cunningham, et al.			
	7.	US 2003/0027328-A1	Feb 6, 2003	Cunningham, et al.			
	8.	US 2002/0127565-A1	Sept 12, 2002	Cunningham, et al.			

**U.S. PATENT DOCUMENTS**

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	9.	RE37,473	12/18/01	Challener			
	10.	4,009,933	03/01/77	Firester			
	11.	4,536,608	08/20/85	Sheng, et al.			
	12.	4,576,850	03/18/86	Martens			
	13.	4,668,558	05/26/87	Barber			
	14.	4,857,273	8/15/89	Stewart			

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

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	15.	4,876,208	10/24/89	Gustafson, et al.			
	16.	4,931,384	6/5/90	Layton, et al.			
	17.	4,958,895	9/25/90	Wells, et al.			
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	19.	4,999,234	03/12/91	Cowan			
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	26.	5,242,828	9/7/93	Bergstrom et al.			
	27.	5,268,782	12/07/93	Wenz, et al.			
	28.	5,337,183	8/9/94	Rosenblatt			
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	31.	5,455,178	10/3/95	Fattinger			
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	35.	5,492,840	02/20/96	Malmqvist et al.			
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	68.	6,340,598	01/22/02	Herron, et al.			
	69.	6,346,376	02/12/02	Sigrist, et al.			
	70.	6,377,721	4/23/02	Walt et al.			
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**FOREIGN PATENT DOCUMENTS**

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							Yes	No
	73.	EP 0 112 721	July 4, 1984	EP				
	74.	EP 0 517 777	May 22, 1996	EP				
	75.	EP 0 660 924	Sept 1, 1999	EP				
	76.	GB 2 227 089	July 18, 1990	GB				
	77.	WO 84/02578	July 5, 1984	PCT				
	78.	WO 90/0831	July 26, 1990	PCT				
	79.	WO 91/13339	Sept 5, 1991	PCT				
	80.	WO 92/21768	Dec 10, 1992	PCT				
	81.	WO 93/14392	July 22, 1993	PCT				
	82.	WO 95/03538	Feb 2, 1995	PCT				
	83.	WO 98/57200	Dec 17, 1998	PCT				
	84.	WO 99/09392	Feb 25, 1999	PCT				
	85.	WO 99/09396	Feb 25, 1999	PCT				
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<b>FORM PTO-1449</b> <b>(Rev. 2-32)</b>	<b>U.S. Department of Commerce</b> <b>Patent and Trademark Office</b>	<b>Atty. Docket No.</b> 02-1181-A	<b>Serial No.</b> 10/727,680
<b>INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b> (Use several sheets if necessary)		<b>Applicant:</b>	
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